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FILED  
DISTRICT COURT OF GUAM

NOV 14 2005

MARY L.M. MORAN  
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA, ) CRIMINAL CASE NO. 05-00071  
Plaintiff, )  
vs. ) REPORT AND RECOMMENDATION  
ZHONGFENG XUE, ) CONCERNING PLEA OF GUILTY  
Defendant. ) IN A FELONY CASE

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The defendant, by consent, has appeared before me pursuant to Rule 11, Fed. R. Crim. P., and has entered a plea of guilty to Count I of an Indictment charging him with False Swearing in Immigration Matter, in violation of 18 U.S.C. § 1546(a). After examining the defendant under oath, I have determined that the defendant is fully competent and capable of entering an informed plea, that the guilty plea was intelligently, knowingly and voluntarily made, and that the offense charged is supported by an independent basis in fact establishing

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1 each of the essential elements of such offense. I therefore recommend that the plea of guilty be  
2 accepted and that the defendant be adjudged guilty and have sentence imposed accordingly.

3 IT IS SO RECOMMENDED.

4 DATED this 14<sup>th</sup> day of November 2005.

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JOAQUIN V.E. MANIBUSAN, JR.  
United States Magistrate Judge

**NOTICE**

10 Failure to file written objections to this Report and Recommendation within  
11 ten (10) days from the date of its service shall bar an aggrieved party from  
12 attacking such Report and Recommendation before the assigned United States  
13 District Judge. 28 U.S.C. § 636(b)(1)(B).

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